

# Proposed Whole Life Custody (Scotland) Bill

## Introduction

A proposal for a Bill to give Scottish courts the power to sentence the worst criminals to custody for the rest of their lives. The consultation runs from 29 May 2019 to 30 August 2019. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (\*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document](#) [Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

## About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

*No Response*

Please choose one of the following:

I would like this response to be published anonymously

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

## Aim and approach

Q1. Which of the following best expresses your view of giving Scottish courts the power to sentence the worst criminals to custody for the rest of their lives?

Fully opposed

**Please explain the reasons for your response.**

That power already lies with the parole board. The purpose of prison is the rehabilitate as much as punish. Whole life tariffs will serve to remove that rehabilitation from the sentence.

Q2. How would introducing Whole Life Custody Sentences affect your level of confidence in the Scottish justice system?

Neither more nor less confident in the justice system

**Please explain the reasons for your response**

My confidence stems from having a preventative justice system not one that puts punishment at its heart. My confidence further comes to accurate convictions and rehabilitation of offenders to reduce the incidence of crime

Q3. Which types of murder should have a Whole Life Custody Sentence as the starting point for sentencing? (Choose all that apply)

None of the above

**Please explain the reasons for your response**

All of these carry life sentences as it is. It's within the judges gift to set the minimum term before the consideration of parole and then the parole board to decide if the offender is deserving of conditional release after that period. Setting a whole life sentence of any of these crimes ignores the chance of an offender to rehabilitate or to show contrition for their crimes. Further more I fail to see the benefits for continuing long term incarceration of an elderly offender for something they did at the start of their lives aside from being punitive and attempting to institutionalise them.

Q4. Which sexual offences should have a Whole Life Custody Sentence as the starting point for sentencing? (Choose all that apply)

None of the above

**Please explain the reasons for this response.**

See answer to question 3. Furthermore in the case of some of the listed sexual crimes ignores the background of the offender; oftentimes a sexual offender is themselves a victim of a abuse. Whilst this should not single them out for preferential treatment they are themselves a victim of circumstances and should be helped instead of being written off as a lost cause worthy only of life in a cell.

Q5. Are there any other types of offence (other than murder or certain sexual offences) which should attract a Whole Life Custody Sentence as a 'starting point' for sentencing?

No- no offences (including murder or sexual offences) should attract a Whole Life Custody Sentence

**Please explain the reason for your response.**

See responses to questions 3 and 4.

Q6. Which of the following best expresses your view on whether whole life custody should be a sentencing option for younger offenders?

Whole life custody should not be an option for any offender, regardless of age

**Please explain the reasons for your response.**

Sentence someone as an adult should be universal. Setting sub tiers within this is wrong if we are to consider the age of criminal responsibility to be the guiding principle on when someone can understand their actions. Nevertheless no offender should face a whole life term regardless of age.

## Financial Implications

Q7. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have? Please explain the reasons for your response.

I expect that it will cost the prison service money as it will cost more to incarcerate someone of their entire life particularly as they move into their late life and need increasing medical and then end of life care. This for example is something that can be done at reduced cost in the community if the offender is released on license.

I also foresee increased court and legal costs as more offenders attempt to appeal and are given leave to appeal their whole life terms as some of the reasons suggested where someone could receive such a sentence could be considered to be subjective and until suitable precedent is set in law would be open to appeal.

## Equalities

Q8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion or belief, sex, sexual orientation?

Slightly negative

**Please explain the reasons for your response.**

Elderly offenders who having completed their minimum term in prison and under the current rules may be released as they are no longer a danger and/or are suffering on health grounds would not be released. This equally applies to disabled people.

## Sustainability

Q9. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

No

**Please explain the reasons for your response.**

This would disproportionately affect working class people

## General

Q10. Do you have any other comments or suggestions on the proposal?

*No Response*